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January 10, 2025

Re: 2024 Title IX Rule and Regulations Vacated

Dear Retainer Client:

Yesterday, a federal court issued an order vacating the 2024 Title IX rule and regulations in their entirety and declaring them “unlawful.” The court expressly stated that its order was intended to “take[] the unlawful agency action ‘off the books’” and “prevent the rule” from applying to everyone who would otherwise be subject to the rule.

Based on our review, the court order applies nationwide and the 2024 Title IX rule and regulations are no longer enforceable in any school. While we are awaiting final confirmation from the United States Department of Education, it also appears that the 2020 Title IX regulations will apply moving forward. If your school has questions about how to handle any pending Title IX investigations, please contact legal counsel to discuss those situations individually. A full copy of the decision from the U.S. District Court for the Eastern District of Kentucky is available here:

www.thrunlaw.com/sites/default/files/TNvCardona1.09.2025.pdf.

While the decision may be appealed, we do not expect that the Department of Education will continue to litigate this matter after January 20, 2025.

Policies

Schools should take prompt action to ensure that their board policies comply with the 2020 Title IX rule and regulations. Some schools, including those named in the “Moms for Liberty” injunction lists, may still have their 2020 Title IX regulations policy in effect and available on their websites. Other schools, including those not previously included in the injunction lists, may need to revive their board policies that comply with the 2020 Title IX rule and regulations. Please consult with your policy service provider to ensure your school has a policy that complies with the 2020 Title IX regulations available and in effect. Thrun Policy Subscribers should look for communication soon with specific updates and step by step instructions for adopting appropriate policy language.

Trainings

At this time, Thrun Law Firm is cancelling all scheduled upcoming trainings on the 2024 Title regulations. We will continue to conduct trainings on the 2020 Title IX regulations. Please look for information about those trainings in future communications.

This matter is evolving and we will continue to monitor the situation and update our clients as we receive new information. We appreciate your patience. If you have questions, please contact a Thrun Law Firm Title IX attorney.

Thrun Law Firm, P.C.

This client communication is intended to provide helpful information on school law topics and is not intended as legal advice or opinion for specific facts, matters, situations, or issues. Legal counsel should be consulted about the application of this information to a specific circumstance or situation.